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13 OFFICER R. FUJITA and POLICE CHIEF JACQUELINE SEABROOKS

14 **UNITED STATES DISTRICT COURT**

15 **CENTRAL DISTRICT OF CALIFORNIA**

16 JUSTIN L. PALMER, an individual,

17 Plaintiff,

18 v.

19 CITY OF SANTA MONICA, OFFICER E.  
20 NAVARRO #3296, in his official and  
21 individual capacity, OFFICER R. FUJITA  
22 #3338, in his official and individual  
23 capacity, CITY OF SANTA MONICA  
24 CHIEF OF POLICE JACQUELINE  
25 SEABROOKS, in her official and individual  
26 capacity, and DOES 1 through 10, inclusive,

27 Defendants.

28 CASE NO.: 15-CV-06183-SJO-JC  
Honorable S. James Otero

**MODIFIED ORDER ON SECOND  
STIPULATION FOR PROTECTIVE  
ORDER RE: CONFIDENTIAL  
MEDICAL RECORDS FOR JUSTIN  
L. PALMER**

20 Plaintiff JUSTIN L. PALMER , and defendants CITY OF SANTA MONICA,  
21 OFFICER E. NAVARRO, OFFICER R. FUJITA, and CITY OF SANTA MONICA  
22 CHIEF OF POLICE JACQUELINE SEABROOKS, through their attorneys of record,  
23 have stipulated and agreed, that certain documents and records, and the information  
24 contained therein, shall be designated as CONFIDENTIAL, for the reasons and under  
25 the terms set forth in the SECOND STIPULATION FOR PROTECTIVE ORDER  
26 RE: CONFIDENTIAL MEDICAL RECORDS FOR JUSTIN L. PALMER filed on  
27 January 29, 2016.

1 Having read the SECOND STIPULATION FOR PROTECTIVE ORDER RE:  
2 CONFIDENTIAL MEDICAL RECORDS FOR JUSTIN L. PALMER entered into by  
3 the parties, and based upon the assertions and stipulations therein, and good cause  
4 appearing, this Order shall apply to protect from unauthorized disclosure the  
5 CONFIDENTIAL information set forth in said SECOND STIPULATION FOR  
6 PROTECTIVE ORDER, **with the following modifications (reflected in bold):**

1. The first sentence of Paragraph I(b) is modified to read as follows: “The  
2 designation of information as CONFIDENTIAL shall not be considered  
3 conclusive or binding on any party, and such designation may be contested  
4 by noticed motion (**in accordance with the procedures set forth in Local  
5 Rules 37-1, et seq.**), at any time **consistent with the District Judge’s  
6 scheduling orders.**”
1. The last sentence of Paragraph I(b) is modified to read as follows: “In no  
2 event **should a receiving party produce or disclose CONFIDENTIAL  
3 information** without written approval by the party that disclosed the  
4 CONFIDENTIAL information unless required by **law or** Court order, of  
5 which the party disclosing the CONFIDENTIAL information has been given  
6 prior notice **by the receiving party.**”
1. The third sentence of Paragraph I(c) is modified to read as follows:  
2 “CONFIDENTIAL material and information derived from  
3 CONFIDENTIAL material shall be used only as reasonably necessary for  
4 preparation of mediation briefs, arbitration briefs, and/or trial of this action,  
5 including use at depositions and in support of motions as further set forth in  
6 this Stipulation, and, including any appeal or retrial, and, **absent further  
7 Court Order,** shall not be used for any other purpose, including, without  
8 limitation, any other litigation or proceeding, or any business, or  
9 governmental purpose or function.”

28     ///

1       4. Paragraph I(f) is modified to read as follows: **“If a receiving party wishes**  
2       **to file with the court documents which contain information designated**  
3       **as CONFIDENTIAL by another party, the receiving party shall comply**  
4       **with Local Rule 79-5.2.2(b) (effective December 1, 2015) and Paragraph**  
5       **28 of the Initial Standing Order for Cases Assigned to Judge S. James**  
6       **Otero (Docket No. 17), with the latter governing to the extent there is**  
7       **any variance between the two.”**

8       5. The last sentence of Paragraph I(j) is modified to read as follows: “In  
9       addition, the parties agree to cooperate in **seeking to obtain** from the Clerk  
10      of this Court all documents, transcripts, exhibits and any other materials  
11      containing information designated as CONFIDENTIAL that have been filed  
12      with this Court and **seeking to secure** their return to the producing party or  
13      destroying them as set forth above.”

14      6. Exhibit A is modified to replace “STIPULATION FOR PROTECTIVE  
15      ORDER (‘Protective Order’)” with **“SECOND STIPULATION FOR**  
16      **PROTECTIVE ORDER RE: CONFIDENTIAL MEDICAL**  
17      **RECORDS FOR JUSTIN L. PALMER and MODIFIED ORDER ON**  
18      **SECOND STIPULATION FOR PROTECTIVE ORDER RE:**  
19      **CONFIDENTIAL MEDICAL RECORDS FOR JUSTIN L. PALMER**  
20      **(collectively ‘Protective Order’).**”

21  
22      **IT IS SO ORDERED.**

23  
24      DATED: February 18, 2016

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/s/\_\_\_\_\_

25      Honorable Jacqueline Chooljian  
26      United States Magistrate Judge